IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8663 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAVINSINH K GOHIL

Versus

STATE OF GUJARAT

Appearance:

MR AR MAJMUDAR for Petitioner.

Mr. B.Y. Mankad, AGP for Respondents.

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 15/03/2002

ORAL JUDGEMENT

Heard Mr. A.R. Majmudar, learned advocate appearing for the petitioner and the learned Assistant Government Pleader, Mr. Mankad for the respondents. The grievances raised by the petitioner in this petition are that the respondents have withheld payment of salary; that the salary bill was not sent to the treasury office every month; that the petitioner should not be terminated from service without following proper procedure of law;

and that directions be issued against the respondents to grant all benefits to him as are available to the Government employees.

2. By way of an interim relief, the petitioner has prayed that the respondents be restrained from withholding or stopping his salary and they may be further restrained from terminating his services. The petition was admitted and the interim relief was granted in terms of Para 12(f) and 12(g) of the petition. At the time of hearing of this petition, the learned Assistant Government Pleader has placed before me a letter dated 5.5.2001 written by the petitioner to the Director of Social Welfare Department, Gandhinagar, wherein it was stated by him that if the petitioner was made permanent he would withdraw the petition pending before this Court. The learned A.G.P. has also placed a Memorandum dated 6.2.2002 issued by the Deputy Secretary, Department of Social Justice, Gandhinagar, wherein it is stated that after considering the case of the petitioner at length, the petitioner's temporary period was treated to be over and he was allowed to continue as a permanent employee. It is further stated in the said memorandum that the said decision was subject to the final decision of the High Court in Special Civil Application No. 8663 of 1990. On the basis of this memorandum, Mr. Mankad, the learned AGP has submitted before me that since the petitioner's greivance is redressed the petition becomes infructuous and it will no longer survive now. The letter dated 5.5.2001 and the memorandum dated 6.2.2002 are taken on record of this petition.

3. In view of the abovereferred memorandum and in view of the submissions made by Assistant Government Pleader, Mr. Majmudar, the ld. advocate for the petitioner seeks permission to withdraw the said petition. The petition is disposed of as withdrawn. It is however open for the petitioner to approach this Court in case of any difficulty that may arise while implementing this order. Rule is discharged with no order as to costs.

rmr. [K.A. Puj, J.]